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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/705,576	11/03/2000	Nancy K. Mullen	10022/99	6665
28164	7590	04/20/2005	EXAMINER	
ACCENTURE CHICAGO 28164 BRINKS HOFER GILSON & LIONE P O BOX 10395 CHICAGO, IL 60610			LIN, KENNY S	
			ART UNIT	PAPER NUMBER
			2154	

DATE MAILED: 04/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/705,576

Applicant(s)

MULLEN ET AL.

Examiner

Kenny Lin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28, 61 and 62 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28, 61 and 62 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-28 and 61-62 are presented for examination. Claims 29-60 are cancelled.
2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/24/2005 has been entered.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

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4. Claims 1, 5, 10-18 and 61-62 are rejected under 35 U.S.C. 102(e) as being anticipated by Bowman-Amuah (hereinafter Bowman-Amuah), US 6,289,382.

5. As per claim 1, Bowman-Amuah taught the invention substantially as claimed including an operations architecture for a data warehouse computing system, the operations architecture being used to design, build and enhance the data warehouse computing system, the operations architecture comprising:

- a. A web server connected through a firewall with a client (col.1, lines 63-67, col.2, lines 1-20, col.29, lines 7-14, col.80, lines 44-64, col.81, lines 24-34, col.82, lines 64-67, col.86, lines 55-58), the web server providing a plurality of tools accessible via a common user interface (Figures 3, 11, 15 and 28: Display the tools and services available to the user; col.18, lines 30-67, col.19, lines 1-50), the plurality of tools including:
 - i. a software distribution tool, a configuration and asset management tool, a fault management and recovery management tool, a capacity planning tool, a performance management tool, a license management tool, a remote management tool, a event management tool, a systems monitoring and tuning tool, a security tool, a user administration tool, a production control application set and a help desk tool supporting said web server and said client in said data warehouse computing system (col.18, lines 30-67, col.19, lines 1-50); and

- b. Wherein said common user interface is configured to present an interactive graphical user interface to said client that provides access to all of said tools and enables design, building and enhancement of the data warehouse computing systems with said tools, wherein all of said tools of are presented by the common user interface in a single view (Figures 3, 11, 15 and 28).

6. As per claim 5, Bowman-Amuah taught the invention as claimed in claim 1. Bowman-Amuah further taught said fault management and recovery management tool assists the diagnosis and correction of a plurality of system faults in said data warehouse computing system (col.22, lines 58-62).

7. As per claim 10, Bowman-Amuah taught the invention as claimed in claim 1. Bowman-Amuah further taught said remote management tool allows support personnel from said data warehouse computing system to take control of said client (col.60, lines 39-46).

8. As per claim 11, Bowman-Amuah taught the invention as claimed in claim 1. Bowman-Amuah further taught said event management tool is responsible for handling a plurality of predetermined events in said data warehouse computing system (col.247, lines 61-65).

9. As per claim 12, Bowman-Amuah taught the invention as claimed in claim 11. Bowman-Amuah further taught said predetermined events may be selected form the group consisting of disk space indications, central processing unit utilization indications, database error indications,

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network error indications and file and print service indications (col.18, lines 30-67, col.19, lines 1-50, col.247, lines 61-65).

10. As per claim 13, Bowman-Amuah taught the invention as claimed in claim 1. Bowman-Amuah further taught said systems monitoring and tuning tool monitors applications, middleware, database, networks, clients and web servers on said data warehouse computing system (col.18, lines 30-67, col.19, lines 1-50).

11. As per claim 14, Bowman-Amuah taught the invention as claimed in claim 1. Bowman-Amuah further taught said security tool includes applications that provide security to said data warehouse computing system (col.18, lines 30-67, col.52, lines 33-60).

12. As per claim 15, Bowman-Amuah taught the invention as claimed in claim 1. Bowman-Amuah further taught said user administration tool is used for administering users of said data warehouse computing system (col.52, lines 33-60).

13. As per claim 16, Bowman-Amuah taught the invention as claimed in claim 1. Bowman-Amuah further taught said production control application is used for scheduling and processing a plurality of production processes on said data warehouse computing system (col.18, lines 30-67, col.19, lines 1-50).

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14. As per claim 17, Bowman-Amuah taught the invention as claimed in claim 16. Bowman-Amuah further taught said production control application set may be selected from the group consisting of a print management tool, a file transfer and control tool, a mass storage management tool, a backup and restore tool, a archiving tool and a system startup and recovery tool (col.18, lines 30-67, col.19, lines 1-50).

15. As per claim 18, Bowman-Amuah taught the invention as claimed in claim 1. Bowman-Amuah further taught said help desk tool provides a help application for assisting users of applications on said data warehouse computing system (col.18, lines 30-67, col.19, lines 1-50).

16. As per claim 61, Bowman-Amuah taught the invention substantially as claimed including a data warehouse computing system, comprising:

- a. A web server connected with a client (col.1, lines 63-67, col.2, lines 1-20, col.29, lines 7-14), the web server providing a plurality of tools accessible via a common user interface (Figures 3, 11, 15 and 28: Display the tools and services available to the user; col.18, lines 30-67, col.19, lines 1-50);
- b. An operations architecture located on one of said web server and said client, said operations architecture being used to design, build and enhance the data warehouse computing system (col.18, lines 30-33; col.19, lines 26-50), said plurality of tools for said operations architecture comprising a software distribution tool, a configuration and asset management tool, a fault management and recovery management tool, a capacity planning tool, a performance

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- management tool, a license management tool, a remote management tool, a event management tool, a system monitoring an tuning tool, a security tool, a user administration tool, a production control application set, and a help desk tool supporting said data warehouse computing system (Figures 3, 11, 15 and 28: Display the tools and services available to the user; col.18, lines 30-67, col.19, lines 1-50); and
- c. A development architecture located on one of said web server and said client, said development architecture being used to design, build and enhance the data warehouse computing system, said plurality of tools for said development architecture comprising a common user interface between said web server and said client, a process management tool, a personal productivity tool, a quality management tool, a system building tool, an environment management tool, a program and project management tool, and an information management tool (Figures 3, 11, 15 and 28: Display the tools and services available to the user; col.18, lines 30-67, col.19, lines 1-50);
- d. Wherein said common user interface is configured to present an interactive graphical user interface to said client that provides access to all of said tools and enables design, building and enhancement of the data warehouse computing system with said tools, wherein all of said tools of are presented by the common user interface in a single view (Figures 3, 11, 15 and 28).

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17. As per claim 62, Bowman-Amuah taught the invention substantially as claimed including a data warehouse computing system, comprising:

- a. A web server connected with a client (col.1, lines 63-67, col.2, lines 1-20, col.29, lines 7-14), the web server providing a plurality of tools accessible via a common user interface (Figures 3, 11, 15 and 28: Display the tools and services available to the user; col.18, lines 30-67, col.19, lines 1-50), the plurality of tools being used for a plurality of architectures, the plurality of architectures including:
- b. A data warehouse architecture, located on at least one of the web server and the client, for distributing data from a data source to an end-user (Figure 48, Data architecture);
- c. A development architecture, located on at least one of the web server and the client, for reducing the effort and costs involved with designing, implementing, and maintaining the data warehouse computing system (Figure 50, col.18, lines 30-33, col.19, lines 1-25); and
- d. An operations architecture, located on one of the web server and the client, for supporting the data warehouse architecture and the development architecture (col.18, lines 30-33, col.19, lines 26-50).
- e. Wherein said common user interface is configured to present an interactive graphical user interface to said client that provides access to all of said tools and enables design, building and enhancement of the data warehouse computing system with said tools, wherein all of said tools of are presented by the common user interface in a single view (Figures 3, 11, 15 and 28).

Claim Rejections - 35 USC § 103

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

19. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bowman-Amuah (hereinafter Bowman-Amuah), US 6,289,382, in view of Barbara et al (hereinafter Barbara), US 5,475,753.

20. As per claims 2, Bowman-Amuah taught the invention substantially as claimed in claim 1. Bowman-Amuah did not specifically teach said software distribution tool provides automated delivery to, and installation of, applications on said web server and said client. Barbara taught a software distribution tools to provide automated delivery to, and installation of, applications on said web server and said client (col.1, lines 27-31, col.2, lines 48-67). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Bowman-Amuah and Barbara because Barbara's teaching of software distribution tool retrieving newly released software enables Bowman-Amuah's architecture to retrieve the newest version of software (abstract).

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21. Claims 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bowman-Amuah (hereinafter Bowman-Amuah), US 6,289,382, in view of Gordon et al (hereinafter Gordon), US 5,920,700.

22. As per claim 3, Bowman-Amuah taught the invention substantially as claimed in claim 1. Bowman-Amuah did not specifically teach said configuration and asset management tool that manages a plurality of predetermined assets connected with said data warehouse computing system. Gordon taught a configuration and asset management tool to manage predetermined assets connected with said data warehouse computer system (col.5, lines 26-31, col.7, lines 43-51, col.8, lines 20-25). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Bowman-Amuah and Gordon because Gordon's teaching of configuration and asset management tool for managing the assets enables Bowman-Amuah's architecture to continually querying the store to maintain an up-to-date status of the assets (col.5, lines 26-31).

23. As per claim 4, Bowman-Amuah and Gordon taught the invention substantially as claimed in claim 3. Gordon further taught said predetermined assets may be selected from the group consisting of said web server, said client, a product license information file, a warranty information file, a vendor name file, a logical device information file and a physical device information file (col.5, lines 26-31, col.7, lines 43-51, col.8, lines 20-25).

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24. Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bowman-Amuah (hereinafter Bowman-Amuah), US 6,289,382, in view of Bunch, US 6,198,722.

25. As per claim 6, Bowman-Amuah taught the invention substantially as claimed in claim 1. Bowman-Amuah did not specifically teach said capacity planning tool monitors a plurality of predetermined system usage levels in said data warehouse computing system. Bunch taught to monitor a plurality of predetermined system usage levels in said data warehouse computing system (col.17, lines 58-65). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Bowman-Amuah and Bunch because Bunch's teaching of monitoring usage level enables Bowman-Amuah's architecture to decide the flow control according to the bandwidth usage level monitored (col.17, lines 58-65).

26. As per claim 7, Bunch further taught said system usage levels may be selected from the group consisting of web server processing usage, web server bandwidth usage, web server storage usage and client usage (col.17, lines 58-65).

27. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bowman-Amuah (hereinafter Bowman-Amuah), US 6,289,382, in view of Chandra et al (hereinafter Chandra), US 6,782,408.

28. As per claim 8, Bowman-Amuah taught the invention substantially as claimed in claim 1. Bowman-Amuah did not specifically teach said performance management tool monitors the

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performance of applications running on said data warehouse computing system. Chandra taught to monitor the performance of applications running on said data warehouse computing system (col.7, lines 29-34, 40-43). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Bowman-Amuah and Chandra because Chandra's teaching of monitoring application performance enables Bowman-Amuah's architecture to determine the current number of instances of the applications running is according to a predetermined number of instances (col.7, lines 40-43).

29. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bowman-Amuah (hereinafter Bowman-Amuah), US 6,289,382, in view of Yamamura, US 6,023,766.

30. As per claim 9, Bowman-Amuah taught the invention substantially as claimed in claim 1. Bowman-Amuah did not specifically teach said license management tool manages and controls license information for applications running on said data warehouse computing system. Yamamura taught to use a license management tool to manage and control license information for applications running on said data warehouse computing system (abstract, col.3, lines 41-61). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Bowman-Amuah and Yamamura because Yamamura's teaching of license management tool enables Bowman-Amuah's architecture to issue, modify or reissue license by using email (col.3, lines 41-61).

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31. As per claims 19-28, since claims 19 and 24 contain the same scope of the combination of claims 1-3, 5-6, 8-11, 13-16 and 18, and claims 20-23 are 25-26 contain the same limitations with claims 4, 7, 12 and 17 respectively. Therefore they are rejected under the combination of the rejections stated in rejecting claims 1-18 above.

Response to Arguments

32. Applicant's arguments with respect to claims 1-28 and 61-62 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

33. A shortened statutory period for reply to this Office action is set to expire THREE MONTHS from the mailing date of this action.

34. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenny Lin whose telephone number is (571) 272-3968. The examiner can normally be reached on 8 AM to 5 PM Tue.-Fri. and every other Monday.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ksl

April 14, 2005

 **JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
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